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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant - Steven N. Verona :
Serial No. - (Not Yet Assigned) :
Filed - : Petition to Make Special
For - TELECOMMUNICATION METHOD :

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1-4-02

Cheryl Gasaway
Cheryl Gasaway

January 4, 2002
Date of Signature

Assistant Commissioner of Patents
Washington, D.C. 20231

PETITION TO MAKE SPECIAL

Applicant hereby petitions the Commissioner to make this application Special under 37 CFR 1.102 so that the prosecution thereof may be expedited. The appropriate fee under 37 CFR 1.17(i) is enclosed.

A pre-examination search was made in class 455 (subclasses 412, 414, 461 and 466), class 709 (subclass 206) and class 340 (subclasses 825.44 and 825.52). Two Examiners, Mr. Bost, and Mr. Kincaid, were also consulted. One copy of each reference that was found in the search accompanies this petition, and each reference that is closely related to the subject matter encompassed by the claims of the instant invention is discussed in detail below.

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DISCUSSION

The Invention

The invention is a communication method in which a caller uses a telephone system to transmit a communication code to an intended recipient. The method comprises a step of the

caller calling a central computer via the conventional telephone system, which includes both landline and wireless electronic systems working on conventional telephonic principles. The caller inputs at least one intended recipient identifier to the central computer via the telephone system for identifying the intended recipient. The intended recipient identifier can, in a preferred embodiment, be the particular telephone number the caller dialed to connect to the central computer. Alternatively, the identifier can be a personal identification number (PIN) that is input by the telephone keypad, voice or another input device.

Upon receiving the intended recipient identifier, the central computer compares the intended recipient identifier with a plurality of data in a database containing the data for a plurality of subscribers. The central computer finds a match between the intended recipient identifier and the identifier of at least one of the subscribers in the data base.

The central computer constructs an electronic message addressed to at least one electronic address of the intended recipient. The electronic message can be an email, an "instant message" or any other form sent over the Internet using Internet protocol. The caller inputs, using the telephone keypad, voice or another input device, a communication code, which in a preferred embodiment is the telephone number of the caller, to the central computer via the telephone system. The electronic message contains the telephone number of the caller, or some other information corresponding to the communication code, such as the caller's email address or a message. The central computer transmits the electronic message to the electronic address of the intended recipient, who can receive the same on his wireless phone, computer, PDA or any other device connectable to the Internet.

The Search

The following patents were located in the search:

<u>Patent No.</u>	<u>Inventor's Last Name</u>	<u>Date of Patent</u>
5,635,918	Tett	June 3, 1997
5,742,905	Pepe et al.	April 21, 1998
5,781,857	Hwang et al.	July 14, 1998
6,118,856	Paarsmarkt et al.	September 12, 2000
6,161,007	McCutcheon et al.	December 12, 2000
US 6,205,330 B1	Winbladh	March 20, 2001
US 6,212,550 B1	Segur	April 3, 2001
US 6,266,690 B1	Shankarappa et al.	July 24, 2001
US 6,289,373 B1	Dezonno	September 11, 2001
US 6,295,552 B1	Shibata	September 25, 2001
5,838,252	Kikinis	November 17, 1998
5,844,969	Goldman et al.	December 1, 1998
6,049,291	Kikinis	April 11, 2000
6,138,036	O'Cinneide	October 24, 2000
6,151,491	Farris et al.	November 21, 2000
US 6,195,564	Rydbeck et al.	February 27, 2001
US 6,230,002 B1	Flodén et al.	May 8, 2001
US 6,230,156 B1	Hussey	May 8, 2001
US 6,249,808 B1	Seshadri	June 19, 2001
US 6,275,693 B1	Lin et al.	August 14, 2001
US 6,304,753 B1	Hartmaier	October 16, 2001

Not all of the above-listed patents are closely related to the instant invention. However, those that are closely related are discussed below in detail.

U.S. Patent No. 5,635,918 to Tett discusses a system in which a computer server receives text messages, such as from email or typed by an operator answering telephone calls. The text messages are then forwarded to a wireless receiver, such as a pager.

There is no teaching in Tett to practice the method steps of the invention, which include the step of calling a central computer using the telephone system, and inputting information to that central computer using the telephone system. The invention also includes the step of the central computer making and sending an electronic message over the Internet to the intended recipient of the message.

Tett does not teach a caller connecting with a central computer. Tett does not teach inputting information to a central computer using the telephone system. Tett does not teach a central

computer making and sending a message over the Internet to an intended recipient. Therefore, the claimed invention is not anticipated by, nor is the invention obvious from, Tett.

U.S. Patent No. 6,205,330 to Winbladh discloses a method of transferring email to a wireless phone. However, Winbladh does not teach to use a central computer to which a caller connects to construct the email, nor does it teach to input any information to the central computer by the telephone system. Winbladh teaches essentially how to send conventional email messages over the Internet to wireless telephones. Although Applicant's method may use this technology in an embodiment of the invention to send email via the Internet to a wireless telephone, Applicant makes no claim to this technology, other than in combination with multiple other method steps not taught by the prior art.

U.S. Patent No. 6,212,550 to Segur shows a method of sending messages received by a client server to portable devices, such as cellular phones. A person uses the portable device to send a query to the client server to obtain a summary of messages waiting on the client server. The portable device can then access the messages. Segur teaches to convert the messages to a format suitable to the device that will receive the messages.

Segur does not teach to enter, using the telephone system, any information that is included in the message. The telephone system is only used for retrieving the messages. Segur does not teach to use the telephone system to create the messages. And two other claimed steps (contacting the central computer over the telephone system and inputting information to the central computer that corresponds to information in an electronic message) are not taught by Segur.

U.S. Patent No. 6,295,552 to Shibata discloses a system for converting voice mail messages to email messages and sending the email messages over a local area network to personal computers. The person who receives the message then listens to his or her voice mail over his or her computer,

rather than through the telephone system. Alternatively, the person can listen to messages over the conventional telephone system rather than using a remote computer with a modem.

Shibata does not teach to input to a central computer information that then becomes part of an electronic message that is sent over the Internet. Thus, the instant invention is not anticipated by or obvious from, the patent. The Shibata system is designed to give easier access to voice mail that is stored in a conventional voice mail apparatus attached to a conventional PBX telephone system within an office. The person simply accesses the voice mail through the computer rather than over the telephone system.

U.S. Patent No. 6,289,373 to Dezonno describes a process in which an incoming "call" (email or telephone) to a call processing center's computer is identified by the source of the call. The computer then routes the call and any information regarding the source to an agent in the processing center based on the source. Thus, the identification of the call is used to route the call to the correct agent.

Dezonno does not teach to input, by the telephone system, information to an electronic message that is sent to a recipient. The call is already constructed, either by conventional email or by telephone, and the call is routed according to the identification of the caller. The Internet is not used to transfer any information from the computer, whereas this is essential to Applicant's method. Dezonno simply teaches to identify a "caller" and connect that caller's message to the agent corresponding to the caller.

In U.S. Patent No. 6,266,690 to Shankarappa, a system is discussed in which a subscriber calls to set up the system, and then the system emails the subscriber to inform him of the change. Likewise, U.S. Patent No. 5,781,857 to Hwang shows a method of using a telephone to set up an email monitoring and notifying system for a communication device.

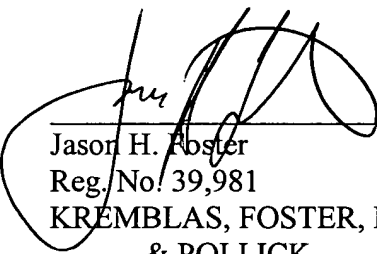
U.S. Patent No. 6,161,007 to McCutcheon relates to instructing a system to print or forward messages received by an individual. Similarly, U.S. Patent No. 6,118,856 to Paarsmarkt discloses a mechanism for forwarding email to a remote device.

None of the preceding patents, and none found in the search, teach the steps of a caller using the telephone system to connect to a central computer to create an electronic message that is sent over the Internet to an intended recipient. Therefore, the claimed invention is not anticipated by the prior art, nor is the claimed invention obvious therefrom. Thus, the claims are allowable over the prior art. The applicant therefore respectfully petitions that an order be issued directing the above-entitled application be made "Special".

The Commissioner is authorized to charge Deposit Account No. 13-3393 for any insufficient fees under 37 CFR §§ 1.16 or 1.17, or credit any overpayment of fees.

Respectfully submitted,

04 Jan. 2002
Date of Signature



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Enclosures: Return receipt postcard
Transmittal Form
Fee Transmittal Form
Check in the amount of \$130.00
Copies of References